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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,188	09/13/2000	Thomas Anthony Stahl	RCA 88863	9240

7590 06/24/2003

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EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/555,188

Applicant(s)  
Stahl et al.

Examiner  
Victor R. Kostak

Art Unit  
2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other: \_\_\_\_\_

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1. Claim 3 is objected to because of the following informalities: in the second line, "overwritten" is misspelled. Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claim 10 is indefinite because it introduces an apparatus but no structure is recited. The claim instead reads like a method claim.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolnick.

Addressing claims 1 and 10 (reading claim 10 as if it were a method claim), the system of Kolnick (noting particularly Figs. 2, 3 and 7-9) involves a digital communication arrangement

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including plural digital devices per node (node 7 shown in Fig. 2) wherein each node can contain plural peripheral devices (col. 4 lines 30-33; col. 4 line 58 - col. 5 line 9); receiving bit-mapped representations (e.g. col. 24 lines 7-16) of data of any type graphics, windows, menus, icons, dynamic displays and events (col. 5 lines 19-27) from any node to any other node through a LAN which also includes bus transfer of the bit-mapped data (bus interface 29, bus 30), wherein events are also transferred (noting again col. 5 lines 19-27) to be received at any other node; wherein NIM 21 is used to couple the combined bit-mapped data to the LAN, which effectively constitutes a virtual machine (shown in Fig. 3) which enables different combinations of data transferred from different devices to be received by other devices and having different combinations of image/text displays formed (e.g. col. 2 lines 62-65; Fig. 7).

Although "on-screen display" data is not specified (which Kolnick designates "pictures" regardless of text/image data: col. 12 lines 58-67), one of ordinary skill in the art would have readily recognized that user-assist data such as menus and icons (which Kolnick does specify) function as on-screen display types, thereby meeting claims 1 and 10.

As for claim 2, data can be updated as made available by a status option (e.g. col. 13 lines 27-32) wherein the operator is informed of the most recent display information (the data being represented in bit-map form, as noted above).

As for claim 3, though not specified, it would also have been obvious to modify or otherwise redo the displayed data subsequent to a first creation and transmission, as so desired, for the clear benefit of providing (what the operator considers) updated, corrected or improved

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data, so prompted by the user's request (note also col. 28 lines 7-8 describing changes made to pictures).

Regarding claim 4, each node can have plural peripheral devices from which data are selected (noting again col. 4 lines 30-33; col. 4 line 58 - col. 5 line 9).

As for claim 7, Kolnick also includes plural memory devices at each node (26, 28). Also, it would have been obvious to transmit the requests using an asynchronous mode since commands are typically desired to be sent whenever the user wants, irrespective of other data transmissions. Kolnick further suggests options and alternative arrangements as he mentions selectable protocols (col. 4 lines 43-50).

As for claim 8, bit-mapped data size and locations of objects (pictures), are stored (e.g. col. 32 line 65+).

Considering claim 9, Kolnick also describes the data words defining the data to be transmitted, including header data (col. 34 line 66+).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Claims 5 and 6 appear allowable over the prior art.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (703)-305-4374. The examiner can normally be reached on Monday through Friday from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone (703) 306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (For either formal or informal communications intended for entry. For informal or draft communications, please label "PROPOSED" or "DRAFT")

Application/Control Number: 09/555,188

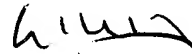
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Victor R. Kostak**

**Primary Examiner**



VRK

6/18/03